

April 7, 2009

Honorable Fiona Ma
State Capitol
Room 3091
Sacramento, CA 95814

RE: AB 372 (Ma) – OPPOSE unless Amended

Dear Assemblymember Ma:

On behalf of my client the Academy of California Adoption Lawyers, ACAL, I write to you of their “oppose unless amended” position on your measure AB 372 relating to adoption records. ACAL is an association of lawyers who specialize in adoptions including independent adoptions, agency adoptions and assistive reproductive technology options to help people build families.

AB 372 reverses core California adoption law regarding the confidentiality of the birth certificate and other adoption records. Under current law, an adopted child may petition the court under specific circumstances to view their birth certificate or other records. California law assures birth parents of confidentiality unless they choose to have post adoption contact by expressing a willingness to either be identified or have contact with their child and their adopted family. This has been the law since 1984.

AB 372 permits an adopted child to merely apply to the State Registrar to receive information about their birth parents. ACAL opposes this provision unless it is prospective only as retrospective application violates the privacy and expectation of birth parents who understood California law to protect their confidentiality. Section 2 of the bill is unnecessary as California law permits adoptive and birth parents to execute all kinds of post adoption contact agreements. It will result in a needless new program that will result in unnecessary costs to the state. Finally, Section 3 enumerates a new medical information form that is not necessary given the current form and practice for this information. Birth parents provide this information on a 10 page form AD 67 or 67 A. This form is filed with the California Department of Social Services or the adoption agency that did the adoption. Again, this issue has already been resolved and the new

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section is not necessary and will result in unnecessary costs to the state for a new program. Below are the web citations for the forms described above.

<http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/ad67.PDF>

<http://www.dss.cahwnet.gov/cdssweb/entres/forms/English/ad67a.pdf>

ACAL understands the desires of the adults who wish to understand their backgrounds but must respectfully request that the equities be balanced such that the rules are not changed for those birth parents who sought confidentiality for personal reasons. If the bill is restricted to prospective applications with a waiver by the birth parent of the confidentiality and Section 2 and 3 are removed, ACAL will remove its opposition. If you have any questions or concerns, please do not hesitate to contact me at my office at 916.448.1222. Thank you.

Sincerely,

DONNE BROWNSEY